

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SCHNUCK MARKETS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:13-CV-2226-JAR
)	
FIRST DATA MERCHANT DATA)	
SERVICES CORP., et al.,)	
)	
Defendants.)	

MOTION TO SUBSTITUTE COMPLAINT

Plaintiff Schnuck Markets, Inc. (“Schnucks”), by and through undersigned counsel, respectfully moves to substitute the attached Complaint for the Complaint filed under seal on November 5, 2013. Permitting substitution instead of the redaction required by the Court’s November 6, 2013 Order will more effectively enable Schnucks to protect the confidential and proprietary information set forth in the sealed Complaint while still setting forth the operative facts of its causes of action. This is especially true because Schnucks has not been able to confer with counsel for Defendants to identify the redactions they would request to ensure that their confidential and proprietary information is protected. Substitution will also eliminate the potential for confusion and inadvertent disclosure (e.g., if the sealed Complaint was accidentally attached as an exhibit instead of the redacted version) during the course of this matter. Upon the substitution of the Complaint, Schnucks will re-issue the Notices of Lawsuit and Waivers of Service to Defendants. Also, pursuant to Local Rule 13.05, Schnucks requests that the sealed Complaint and exhibit thereto, which contain confidential and proprietary information, be removed from the Court’s file and returned to undersigned counsel for Schnucks.

Dated: November 7, 2013

Respectfully submitted,

By: /s/ Kevin F. Hormuth
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